



Code Words

Volume 11, Issue 3 *Montgomery County Code Enforcement news from the Office of the County Attorney* October 2008

Isiah Leggett, County Executive

Leon Rodriguez, County Attorney

OFFICE OF THE COUNTY ATTORNEY

The Office of the County Attorney is the legal arm of the Montgomery County government. The County Attorney's staff exclusively advises and represents County agencies, including the Council. The Office of the County Attorney also serves the citizens of Montgomery County directly. Although staff cannot offer legal advice to individuals, we can offer guidance on the application of Montgomery County law, including code enforcement matters, and can help to direct those with questions to appropriate agencies. We can be reached at (240) 777-6700.

CODE ENFORCEMENT UNIT

The Code Enforcement Unit serves the community by helping to fairly and reasonably enforce our County Code and helping to solve the problems leading to citations. If you have a question regarding County Code enforcement, a specific Code enforcement case, or would like to schedule a speaker for or meeting with your community group, please contact James Savage, Division Chief, at (240) 777-6779 or james.savage@montgomerycountymd.gov.

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On Your Mark, Get Set...

Barbara Jay

Associate County Attorney

You're finally ready to start work on that kitchen/family room addition you've always wanted. You've got your plans in hand and your loan in place. You've been to the County's Department of Permitting Services to get your building permit, and you've posted it proudly and conspicuously on your property. You can't believe your good fortune – and can't wait to get started with construction. You tell your contractor to ...

Whoa, my good friend, you tell your contractor to wait until you've had time to consider your exposure if your permit is appealed. That's right, appealed. Under Section 8-23 of the County Code, any person aggrieved by the issuance, denial, renewal, or revocation of a permit or any other decision or order of DPS under Chapter 8 has 30 days to appeal that action to the County Board of Appeals. That means that, if one of your neighbors (or anyone else, for that matter) can claim that the issuance of your building permit specifically and adversely affects their personal or property rights in a way that is different from the public generally, they can file an appeal. If you elect to proceed with construction while an appeal is pending, you are proceeding at your own risk.

So, you have a choice to make. Obviously, the safest course of action would be to wait to make sure that no appeals are filed, but how long a wait is that? Section 8-23 says an appeal has to be filed within 30 days, you say. Bear in mind that Rule 14 of the Board's Rules of Procedure says that, if the last day of a time period falls on a Saturday, Sunday, Federal, State or County holiday, the time period ends on the next

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business day. So, you may be looking at 31, 32, or even 33 days, if the appeal period runs on a Saturday and Monday is a holiday. You also need to know that, under section 59-A-4.46 of the Zoning Ordinance, after receiving an appeal, the Board has an additional seven days within which to forward notice of the appeal. That does not include time for mailing. In a worst case scenario, it could be close to 45 days before you know for sure whether or not your beautiful building permit has been appealed. Can you tell your contractor to proceed before then? That's a decision you will have to make for yourself. 🐾

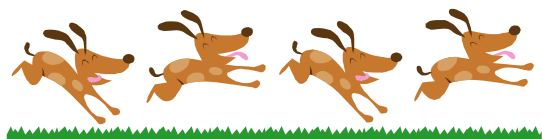
Foreclosure Crisis in Montgomery County

Kathryn Lloyd

Assistant County Attorney

In these difficult economic times, the number of foreclosed homes has increased throughout the country. Montgomery County is no exception. Residents have probably noticed homes in their communities that have been vacated and are falling into a state of disrepair. Maintaining the appearance of these homes while they are vacant is an ongoing struggle. The County can assist neighboring residents, with a little help.

Residents should be alert to vacant homes in need of care in their communities. Overgrown grass and weeds are signs of vacancy and can become a hazard. Residents may report such matters to the Montgomery County Department of Housing and Community Affairs (DHCA), (240) 777-3600, who can then address the problem. Prompt reporting helps to prevent these homes from becoming more of an eyesore for the communities. Working together, County residents and the County government can reduce the affects of neglect that arise when foreclosed homes are abandoned and left to deteriorate. 🐾



Service Dogs Exempt From Leash Laws

Alexandra Thompson

Assistant County Attorney

In the April issue of Code Words, we published an article stating that all dogs must be leashed when off the owner's property. The article failed to mention that there are exceptions. Service dogs not on a leash and off the owner's property are not considered to be at large and, therefore, not in violation of the Montgomery County Code (2004), as amended. A Service Animal is defined by the Montgomery County Code, Chapter 5, Sec. 5-101 as:

"Any guide or signal dog or other animal trained to work or perform tasks for a person with a disability, including guiding a person with impaired vision, alerting a person with impaired hearing to intruder or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items, or any dog used by the Department of Police, Sheriff's Office, Fire and Rescue Service, Department of Homeland Security, or any federal or state law enforcement or search and rescue agency."

When one thinks of a service dog, a German Shepherd usually comes to mind. However, there are no standard service dog breeds. A service dog may be a Miniature Poodle, Cocker Spaniel, German Shepherd, or a mixed breed of any shape or size. The person in possession of the dog requires that dog to perform tasks that the person cannot do for themselves, or even alert the person or others of a medical condition. Service dogs are permitted access to areas where other dogs are not, including public places. Also, they are not required to be leashed when with their owner and performing their service, because these dogs are exceptionally well-trained and are often required to perform tasks they could not do if restrained by a leash.

A certified service dog must be professionally trained. The State issues a license indicating that the animal is a service dog. All other guidelines required for dog owners in Montgomery County must be followed, including vaccination against rabies and a County license. The owner of a service dog is still personally responsible for controlling the dog, including preventing the dog from defecating on a neighbor's property or engaging in other destructive acts. 🐾

IMPORTANT PHONE NOS.

Animal Services	(240) 773 – 5925
Abandoned Cars	(301) 840 – 2455
Air Pollution Incidents	(240) 777 – 7770
Building Permits	(240) 777 – 6370
Building Code Inspections	(240) 777 – 6210
Consumer Protection	(240) 777 – 3636
County Information	(240) 777 – 1000
Electrical Licenses & Permits	(240) 777 – 6240
Environmental Protection	(240) 777 – 7770
Fire-Code Violations	(240) 777 – 2457
Housing & Code Enforcement	(240) 777 – 3600
Illegal Dumping	(240) 777 – 7770/DUMP
Untagged Cars	(240) 777 – 3600
Noise Control	(240) 777 – 7770
Recycling/Leaf Collection	(240) 777 – 6410
Snow Removal & Pot Holes	(240) 777 – ROAD
Solid Waste	(240) 777 – 6410
Street Lights	(240) 777 – 2190
Use & Occupancy Permits	(240) 777 – 6210
Vendor Information	(240) 777 – 6240
Water Pollution Incidents	(240) 777 – 7770
Weed Control	(240) 777 – 3600
Zoning Information	(240) 777 – 6240
Zoning Complaints	(240) 777 – 6259

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To be placed on our mailing list or to submit questions or comments, please contact us at the above address or mcgatty@montgomerycountymd.gov. Please include your name, address, and telephone number or e-mail address. *Code Words* is published quarterly.

Code Enforcement Work Group

James Savage

Associate County Attorney

In the Fall of 2007, County Executive Ike Leggett established a work group to investigate community complaints regarding housing and zoning issues. Those submitting complaints believed that the violations had an adverse impact in their neighborhoods. The work group considered certain legislative amendments and changes to the business process of enforcement, in particular permitting services, housing code enforcement, environmental protection, fire, and police.

Residents submitted complaints about parking large commercial vehicles in residential areas with small lots, the public safety impact, and how this detracts from the residential character of communities. Residents in other areas of the County complained about the long-term parking of recreational vehicles in residential areas and the adverse impact this has on safety and appearance. Appearance was also an issue considered where vehicles are parked on grassy areas on front lawns. Another issue considered was home businesses and the problem that they cause in residential areas with small lots.

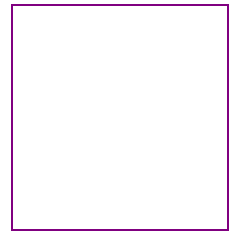
The work group has prepared a report, along with its legislative recommendations, which will be reviewed and critiqued by interested groups. Included in this report was a recommendation to more closely regulate permits issued for home additions. Passed inspections will be required within six month timeframes. All home permits will need a final approved inspection within 18 months or the home owner will face a citation for a code violation. Solid waste violations and apparent conflicts between code provisions are also addressed and conformation was recommended. The final element recommended by the group to address these concerns is to provide educational programs for residents and community associations. These reviews and considerations will take place in the latter part of September.

The final report will be presented to the County Executive and then to the Council, for consideration of the legislative recommendations. The work group hopes that the legislative recommendations and improvement in

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ADDRESS CORRECTION REQUESTED

Work Group

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coordination and customer service by the enforcing departments will have a favorable impact on the communities that make up this County. It is expected that the recommendations will be acted upon by the Council before the end of the year. 